

17 Terra Cotta Men and Firms Fined \$51,000

\$3,000 Imposed in Each Case Following Pleas of Guilty to Charges Under Anti-Trust Law

Jail Sentences Refused

Prison Terms Only Where Public Has Suffered, Judge Hand Declares

Judge Learned Hand in the Federal District Court yesterday imposed fines of \$3,000 each upon the seven corporations and ten individuals engaged in the manufacture and distribution of architectural terra cotta who pleaded guilty Monday to one count of an indictment drawn under the Sherman anti-trust law.

In refusing to impose jail sentences demanded by the prosecution he declared that in his opinion such penalties should be reserved for cases where it had been proved that the public had suffered from the formation of the combination, that the agreement in question was such that previous court decisions left no doubt as to its illegality or that practices had been employed repugnant to ordinary business standards.

Judge Hand declared that he did not consider the division of the country into three sections across whose boundaries architectural terra cotta was not to be shipped, the charge admitted by the defendants, unreasonable in itself. He added that it might have been injurious to the public, but that this had not been shown by evidence.

Colonel William Hayward, who, as United States attorney here, took an active part in the three-day argument which preceded the sentences yesterday, said afterward that the government could do no more than urge that these self-confessed criminals and violators of the law in plain places should be sent to jail. His chief assistant for the building trades cases, David L. Podell, declared in his closing speech for the prosecution that a fine would be no punishment at all for the terra cotta manufacturers.

The corporations and individuals sentenced to fines were the Atlanta Terra Cotta Company and H. B. Wey-vice-president; the Atlantic Terra Cotta Company, William H. Powell, president, and F. C. Evans, vice-president; the Conklin-Armstrong Terra Cotta Company and Thomas F. Armstrong, president; the Federal Terra Cotta Company, De Forest Grant, president, and Harry Lee King, assistant secretary; the New Jersey Terra Cotta Company, E. V. Ekersen, president and general manager, and Karl Mathiesen Jr., secretary; the New York Architectural Terra Cotta Company, the South Amboy Terra Cotta Company and Peter C. Olsen, secretary, and O. W. Ketcham.

Weather Report

Sun rises... 7:13 a.m. Sun sets... 4:30 p.m. Moon rises... 6:28 p.m. Moon sets... 8:16 a.m.

Local Forecast—Increasing cloudiness and southerly breeze from tomorrow. Snow or rain and warmer; increasing east and southeast winds.

Local Official Record—The following official record shows the lowest temperature during the last twenty-four hours, in comparison with the corresponding date of last year:

1921, 1920	1921, 1920
2 a.m. ... 19 ... 3 p.m. ... 34	2 a.m. ... 19 ... 3 p.m. ... 34
6 a.m. ... 20 ... 6 p.m. ... 34	6 a.m. ... 20 ... 6 p.m. ... 34
12 noon ... 22 ... 9 p.m. ... 34	12 noon ... 22 ... 9 p.m. ... 34
Lowest, 13 degrees (at 4 a.m.); average, 26 degrees; average same date for thirty-three years, 34 degrees.	

Humidity
8 a.m. ... 55% 1 p.m. ... 39% 5 p.m. ... 51%

Barometer Readings
8 a.m. ... 30.29 1 p.m. ... 30.29 5 p.m. ... 30.51

General Weather Conditions

WASHINGTON, Dec. 15.—The disturbance that was central off the middle Atlantic coast last night moved rapidly northward to New England with increasing intensity and it was followed by a decided increase in pressure and fair weather over the eastern half of the country to-day. Pressure was also high and rising rapidly over the far Northwest to-night, while a disturbance of moderate intensity was moving over southeastern Wyoming and moving east-southeastward. This disturbance was attended by snow in the northern border states from Minnesota westward to New England.

The temperature was somewhat lower in the Atlantic states to-day, and considerably colder weather overspread the far Northwest, but unseasonably high temperature continued in the Southwest. The Wyoming disturbance will move eastward attended by general precipitation in the states west of the Mississippi River within the next thirty-six to forty-eight hours. However, generally fair weather will prevail to-morrow in the Atlantic states. The temperature will rise almost generally east of the Mississippi River to-morrow and in the Atlantic states Saturday, while much colder weather will overspread the upper lake region, the Ohio Valley, Tennessee and the east Gulf states by Saturday night.

Forecast by Districts—Eastern New York—Increasing cloudiness and somewhat warmer to-day; to-morrow snow or rain and warmer.

Southern New England—Fair and slightly warmer to-day; to-morrow snow or rain and warmer.

Eastern Pennsylvania, New Jersey, Delaware and Maryland—Increasing cloudiness to-day, followed by rain or snow to night and to-morrow. Fair temperature.

Western Pennsylvania—Unsettled, and somewhat warmer to-day, probably rain or snow to-morrow.

Western New York—Unsettled, probably followed by snow to-day, with rising temperature; to-morrow snow or rain and warmer.

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Maid Principal Witness In Lippincott Will Case

Says Beneficiary Under Contested Document Barred Relatives After Wife's Death

ATLANTIC CITY, N. J., Dec. 15.—Miss Mary Ramsey, employed as a maid by the late George T. Lippincott, millionaire banker of Philadelphia and Atlantic City, was the principal witness at to-day's hearing in the legal battle to break the Lippincott will, she testified that Mrs. Margaret W. Bartlett, wife of William H. Bartlett, former Director of Public Safety in Atlantic City, wanted the Lippincott estate.

The Lippincott property was left to Mrs. Bartlett by the contested will. The action to break the document was brought by Miss Agnes May Lippincott, Mrs. Helen Lippincott Villa, of New York City, and other relatives.

Miss Ramsey said that after Mrs. Lippincott's death Mrs. Bartlett served as housekeeper at the Lippincott home, and instructed her not to let any of the women relatives in.

Testimony to show that Lippincott had intended to distribute his estate among his relatives was given by other witnesses. John W. Hilliard, of Florida, said that Lippincott on one occasion threw letters from Mrs. Bartlett into the stove.

Dies Thanking Friends For His Passage Home

Prosper Calcutt, sixty-eight years old, who had friends in need who made up a purse to enable him to return to his home in Belgium, died yesterday at 593 Broadway yesterday to express his gratitude and succumbed to his illness. When they picked him up from the floor he was dead.

His home was at 323 West Fifty-seventh Street, and he was to have sailed for Belgium to-morrow. He had lived in this country for many years and was in good circumstances until recently, when his luck and his health failed.

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Court Declares Curtiss Invented Hydro-Airplane

Janin, Staten Island Claimant, Failed to Leave Water, Appeals Judges Decide in Suit

Glenn H. Curtiss, pioneer aviator, was declared the inventor of the flying boat and hydro-airplane by a decision of the United States Circuit Court of Appeals of the 2d District yesterday. The decision reverses that of the lower court and was made in a suit instituted by Albert S. Janin, which has been in the courts approximately eight years.

The decision was written by Justice Hough and concurred in by Justices Merril, Martin T. Manton and Julius M. Mayer. It related specifically to patent No. 1,312,910, which was issued to Albert S. Janin, of Staten Island, on August 12, 1919, as a result of one of the decisions in the litigation.

Janin filed his original application on January 20, 1911, two days after Curtiss had made his first successful flights from water in San Diego Bay, Calif. The decision rendered yesterday shows that Janin never actually flew a machine. In this connection the decision says:

"We find that Janin reduced nothing to practice, because what he conceived and disclosed is, as a hydro-airplane, wholly inoperative, for it cannot get out of the water—the rest is immaterial. Decision is grounded on this point, though we may say further that in view of the proven unreliability of Janin and his witnesses we think no reduction or conception can be assigned him earlier than January 26, 1911, in which case Curtiss antedated him by at least two days."

Dr. Lorenz Examines 55 At Jersey City Hospital

Of 255 original applicants, only fifty-five were examined yesterday morning by Dr. Adolph Lorenz at the free clinic in the City Hospital of Jersey City. Of these fifty-five cases Dr. Lorenz said it would be possible to help fifty.

After the examination Dr. Lorenz lunched with Dr. John Nevin, medical director of the City Hospital, later visiting the School for Crippled Children in Jersey City.

Bedtime Stories

Peter's Curiosity Is Too Much For Him By Thornton W. Burgess

To caution turn a heedful ear; 'Twill save you much of needless fear.

—Peter Rabbit

No sooner did Peter Rabbit think of Buster Bear than curiosity took possession of him. He had just seen Mother Bear and the twins, Boxer and Wolf-Wolf, go in under the great pile of fallen trees in the Green Forest, and he felt sure that they had gone there to sleep for the winter. He was quite positive in his own mind that they would not be seen again until spring. It would be great news to spread among his friends. Peter was very much excited.

And then he thought of Buster Bear, the father of the twin cubs, and at once began to wonder if Buster had gone to sleep for the winter. The more he thought of this the more curious he became. He remembered that Buster and Mrs. Bear had not spent the winter before together.

Mrs. Bear had spent it under this very same windfall, while Buster had slept in a little cave under a ledge of rocks some distance away. Would he do the same thing this year? Or would he join Mrs. Bear and the cubs under the windfall? Perhaps he was in there already. Buster had been with his family more or less ever since the latter part of summer. "I don't believe he is in there yet," thought Peter. "Perhaps they may not have gone in there for the winter, but somehow I almost know they have. It may be that Buster Bear will spend the winter by himself, just as he did last year, and has already gone to bed in that little cave under the ledge of rocks. It won't do any harm to run over there and find out. I guess there won't be any danger."

"Better be satisfied with what you already have found out and scamper back to the dear Old Briar-patch," whispered Caution.

"But then you won't know about Buster Bear," said Curiosity.

"You don't have to know, and it really is no business of yours, anyway," declared Caution.

"You never will be satisfied until you do know, and to try to find out isn't going to hurt any one," whispered Curiosity.

"The surest way of getting into trouble is to meddle in things that

The next story: "Curiosity Makes Peter Bold"

There's something about them you'll like

Give 100 Good Wishes

A GREETING Package of Herbert Tareyton Cigarettes is a token of your good will that will last a friend through the holidays.

Just enclose your card—"There's something about them he'll like."

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Joe Wanamaker
Broadway at Ninth, New York. Telephone Stuyvesant 4700.

"Dinna Ye Mind"

how your sweet old mother used to say "A green Christmas means a White Easter" and "a windy Saint Patrick's Day"?

Truly the words of the old mother have a long life. They keep on coming back and coming back.

"The mither's breath is aye sweet,"

A full-grown young daughter is saying, proud and happy to have a mother living to give a present to this Christmas!

President Harrison's old Indiana friend, Lew Wallace, who wrote "Ben-Hur," once said, "God may have thought He could not be everywhere, therefore He made mothers."

(Signed)

Joe Wanamaker

December 16, 1921.

MARCEL DUPRE

organist at Notre Dame, Paris, plays the

LAST RECITAL OF THE PRESENT SERIES

on the new concert organ in the Wanamaker Auditorium, today, at 2:30 P. M.

NOTE. In response to numerous requests MARCEL DUPRE will again improve a SYMPHONY in FOUR MOVEMENTS on themes submitted by LEOPOLD STOKOWSKI, conductor of Philadelphia Orchestra; PIERRE MONTEUX, conductor of the Boston Symphony Orchestra; PERCY GRAINGER, famous pianist and composer; RUBIN GOLDMARK, eminent composer, teacher and vice-president of the Bohemians, and two other well known musicians.

Owing to the great demand for admittance to these extraordinary recitals we cannot hold reserved seats after 2:30 o'clock on the day of the recital. In justice to the artists and the public

CHILDREN WILL NOT BE ADMITTED.

First Gallery, New Building.

Fourth floor, Old Building

10-karat Gold Jewelry

Match box, safety style, striped design, \$28.

Powder box, octagon shape, on ring and chain, \$26.50.

Mesh bags, dress size, green gold strap chain and tassel, \$105.

Green gold belt buckle, very pretty engine turned design, with space for monogram, \$11.

Flexible bracelet, chased and open work design, with safety clasp, \$17.50.

Lavalliere on chain, green and yellow gold, combined with small diamond, \$8.50.

Jade earrings, pear shape drops, with pearls, \$42.

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